

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BAILEY REYNOLDS and HELEN
MARTINEZ on behalf of herself and
others similarly situated,

Plaintiffs,

v.

1:18-CV-423

FIDELITY INVESTMENTS
INSTITUTIONAL OPERATIONS
COMPANY, INC., FMR LLC,
FIDELITY BROKERAGE SERVICES
LLC, FIDELITY WORKPLACE
INVESTING LLC, and VERITUDE
LLC,

Defendants.

ORDER

Upon consideration of the Joint Motion to Allow for Notice to Omitted Putative Settlement Class Members and Postcard Notice to All Settlement Class Members Regarding the New Fairness Hearing Date, Doc. 73, filed on August 20, 2019, by all Plaintiffs and all Defendants, the Court is of the opinion that the Motion should be granted.

Accordingly, it is hereby **ORDERED** that:

1. A postcard notice shall be sent to all settlement class members who originally received notice advising them of the new fairness hearing date.
2. The parties jointly have permission to send notice to the omitted putative settlement class members.
3. Additional Class Members shall be given 75 calendar days from the date of

notice mailing to submit a claim form, request exclusion from the settlement, or submit an objection.

4. That individuals who have already timely opted-in will receive the estimated payments disclosed in their respective claim forms, without reduction due to the Additional Class Members.

5. That the settlement administrator will send notice to the Additional Class Members within fifteen (15) days following Defendants' production of their contact information. That the additional cost of the additional notice will be paid by Defendant, not taken out of the settlement fund.

6. As before, the settlement administrator will perform a skip-trace and re-mailing to Additional Class Members where appropriate. *See* Doc. No. 65, ¶ 25. The settlement website, telephone line, and FAQs will remain available, but with revised dates for interim deadlines and the final approval hearing date. *Id.*, at ¶ 26, 29, 33. Within 37 days of the initial notice mailing, a reminder notice will issue to Additional Class Members in the postcard form already approved by the Court (but with updated deadline dates). *Id.*, at ¶ 28. A second postcard reminder notice will issue to Additional Class Members three weeks before the 75-day deadline is set to expire. *See* July 9, 2019 Order (Doc. No. 71, granting agreed upon second postcard notice). The settlement administrator will maintain the same records and provide the same contemplated report to both parties within 100 calendar days of the mailing of notice. *See* Doc. No. 65, ¶¶ 30-32.

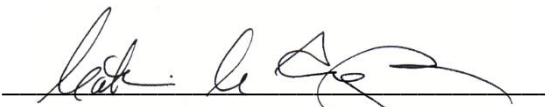
7. That the final approval hearing be continued to allow the previously approved notice process to take place for the Additional Class Members. Because notice

to the Additional Class Members will result in a delay of the fairness hearing, the original recipients of the notice will be mailed a postcard advising them of the new final approval hearing date. Such postcard will be mailed within thirty (30) days from the Court's Order.

8. Additionally, given the delay in scheduling the fairness hearing, should settlement class members hearing of this delay submit an untimely claim form, their claim form will be reviewed collectively by the parties' counsel and Defendants shall not unreasonably withhold their consent to honor the claim. However, no untimely claim shall be honored absent the written consent of both parties. To the extent the parties are unable to reach an agreement regarding untimely claims, the parties may seek Court-intervention for resolution of the same.

9. The fairness hearing is rescheduled for Friday, January 3, 2020, at 9:30 a.m. in Greensboro Courtroom 3, subject to rescheduling should the Court's trial schedule so require. The plaintiff shall file supplemental evidence in support of the motion to approve the fairness hearing and the request for attorneys' fees, along with proposed orders, no later than December 13, 2019.

This 22nd day of August, 2019.


UNITED STATES DISTRICT JUDGE